IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4242 of 2007()

(CEIMW NO.165 OF 2007 OF PAYYANGADI POLICE STATION)

: PETITIONER

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1. M.HYDER ALI,
   S/O.MUSTAFA, AGED 21 YEARS,
   MUSALYARAKATH,RAMANTHALI AMSOM,PALAKKOTT.

2. JAMAL.M.,
   AGED 18 YEARS,S/O,MUSSAN KUTTY,
   MUSALYARAKATH,
   RAMANTHALI AMSOM,PALAKKOTT.

3. ASHRIF,S/O.MAIMUTH, AGED 18 YEARS
   PUTHAPURATH HOUSE,
   RAMANTHALI AMSOM,PALAKKOTT.

4. SHERIFF,S/O.SALAM,AGED 19 YEARS,
   BUSPAD HOUSE,RAMANTHALI AMSOM,PALAKOTT.

5. FAHID,S/O.MOIDEEN SHA, AGED 18 YEARS
   O.P.HOUSE,RAMANTHALI AMSOM,PALAKKOTT.

BY ADV. SRI.P.M.HABEEB

RESPONDENTS:

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1. STATE OF KERALA,
   REP.BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   PAYYANGADI POLICE STATION,KANNUR.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4242 of 2007

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Dated this the 13th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 to 5. The petitioners and defacto complainant are neighbours. Consequent to a dispute between the wife of the 1st accused and the defacto complainant, the petitioners had allegedly gone to the house of the defacto complainant and indulged in contumacious and culpable overt acts. Though allegations under Secs.325, 379 etc. were also raised, now the prosecution persists in the allegations under Section 452, 323 and 447 read with 149 IPC only.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that in the peculiar facts of the case explained above anticipatory bail can be granted to the petitioner subject to appropriate conditions.

3. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction at 11 a.m on 20.07.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees

Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 3 p.m on 21.07.2007 and thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 2 months and subsequently as and when directed by the Investigating Officer in writing to do so.

iii) If the petitioners do not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

iv) if the petitioners were arrested prior to their surrender on 25.07.07, the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/- (Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate on 25.07.07 as directed in clause(i) above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE